



Att'y Dkt. No. 0221-0003G
U.S. App. No. 09/484,895

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JOHN J. HARRINGTON, ET AL.

Appl. No.: 09/484,895

Filing Date: January 18, 2000

Title: Compositions and Methods for Non-Targeted
Activation of Endogenous Genes

Art Unit: 1636

Examiner: Quang Nguyen

Atty. Docket: 0221-0003G

#20

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

- ☐ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

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☐2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐c. Attached is our check no. _____ in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).

☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐4. Relevance of the non-English language document(s) is discussed in the present specification. See pages _____ of the specification of the present application.

☐5. The document(s) was/were cited in a corresponding foreign application. ☐ A copy of a search report issued in the foreign application is attached. ☐ An English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 (A)(3).

☐6. A concise explanation of the relevance of the non-English language document(s) ☐ is attached hereto or ☐ appears below.

- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☒ 8. Copies of the documents were cited by the Examiner in Application No. 09/513,575, filed February 25, 2000. The undersigned did not become aware of this reference until the Examiner cited it. Accordingly, applicants are within three months of the citation of the reference. Therefore, no certification or fee is required.
- ☐ 9. Other: .

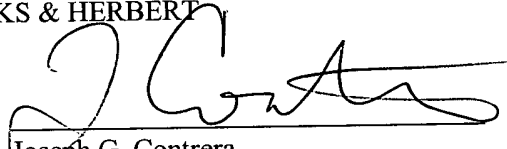
It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. **50-0622**

Respectfully submitted,

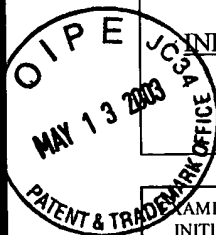
SHANKS & HERBERT

By:


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| FORM PTO 1449 | | ATTY. DOCKET NO. 0221-0003G | APPLICATION NO. 09/484,895 |
| INFORMATION DISCLOSURE STATEMENT | | APPLICANT(S) John J. Harrington, et al. | |
| | | FILING DATE January 18, 2000 | GROUP 1636 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE |
|---------------------|-----|--------------------|------|------|-------|-----------|-------------|
| | AA1 | | | | | | |
| | AB1 | | | | | | |
| | AC1 | | | | | | |
| | AD1 | | | | | | |
| | AE1 | | | | | | |
| | AF1 | | | | | | |
| | AG1 | | | | | | |
| | AH1 | | | | | | |
| | AI1 | | | | | | |
| | AJ1 | | | | | | |
| | AK1 | | | | | | |

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FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | TRANSLATION |
|---------------------|-----|--------------------|------|---------|-------|-----------|---|
| | AL1 | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | AM1 | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | AN1 | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | AO1 | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | AP1 | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

| | | |
|----|---|---|
| AR | 1 | Rust, K., et al., American Journal of Respiratory Cell and Molecular Biology, Vol. 14, pp. 121-130 (1996) |
| AS | 1 | |
| AT | 1 | |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.